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|  | 201-203, of the invention entitled:  |   |  |   |  |
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| which is described and claimed<br>that this application in part disc   | loses end claims subject matter dis-   | closed in my earlier fil  | ed pending application   | on,   |  |
| Serial No. 60/212,848  | filed 06/26/01   | <b>.</b> & 09/47  | 4,318 Filed :  | L2/29/99  | •  |
| that as to the subject matter of<br>the same was ever known or u<br>any printed publication in any<br>or in public use or on sale in t<br>that the common subject matte<br>said earlier application in any<br>atives or assigns more than tw   | disclose information of which I ame this application which is common sed in the United States of America country before my or our inventions the United States of America more or has not been patented or made the country foreign to the United State elve months prior to said earlier aper inventor's certificate on the committed earlier application by me or my to been filed, or       | to said earner appared<br>a before my or our invoing thereof, or more the<br>than one year prior to<br>be subject of an inventi-<br>es of America on an ap-<br>plication; and<br>non subject matter file                | ention thereof or pat<br>an one year prior to s<br>said earlier application<br>or's certificate issued<br>oplication filed by mo   | ented or desc<br>said earlier ap<br>on;<br>before the de<br>or my legal   | ribed<br>plica<br>ate o<br>repre               |
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| that as to the subject matter  | of this application which is not cor   | nmon to said earlier as   | oplication, I do not k   | now and do n  | ot b   |
| that as to the subject matter that the same was ever know described in any printed pul application, or in public use that said non-common subject date of this application in representatives or assigns mas to applications for patents ica prior to this applications in such applications in the same as the sa | of this application which is not cor<br>wn or used in the United States of a<br>blication in any country before my<br>or on sale in the United States of a<br>the matter has not been patented or<br>my country foreign to the United S<br>ore than twelve months priof to the<br>or inventor's certificate on the inventor is the inventor or my legal representatives<br>have been filed, or | amon to said earner at America before my or or our invention there America more than on made the subject of ar tates of America on ar is application; and ention filed in any cou                                       | oplication, I do not ke<br>our invention thereof<br>eof, or more than one<br>e year prior to this a<br>a inventor's certificate<br>a application filed by  | now and do not or patented by year prior to opplication; the issued before me or my leg                                     | or or this                                     |
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| that as to the subject matter that the same was ever know described in any printed pul application, or in public use that said non-common subject date of this application in a representatives or assigns mas to applications for patents ica prior to this applications in such applications in such applications in such applications in such applications have   | of this application which is not core or or used in the United States of a collection in any country before my or on sale in the United States of a tracter has not been patented or my country foreign to the United States or than twelve months prior to the or inventor's certificate on the inventor or my legal representatives have been filed as follows:                              | amon to said earner and america before my or or our invention there america more than on made the subject of artistes of America on an is application; and ention filed in any cours or assigns,                        | opplication, I do not keour invention thereofeed, or more than one e year prior to this an inventor's certificate application filed by entry foreign to the U  | now and go not or patented by year prior to oplication; the issued before me or my legulated States  APPLICATION PRIORITIES | or bor or or this re the gal of A              |

DECLARATION IN COPENDING APPLICATION CONTAINING ADDITIONAL SUBJECT MATTER

PTO Ferm 3.18(a)

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(continued)

ATTORNEY'S DOCKET NO.

| POWER OF ATTORNEY:       | As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this   |    |
|--------------------------|---|----|
| application and transact | all business in the Patent and Trademark Office connected therewith. (list name and registration no | .) |

JAMES D. WELCH

REG. NO. 31,216

SEND CORRESPONDENCE TO:

JAMES D. WELCH 10328 PINEHURST AVE. OMAHA, NE 68124 OIRECT TELEPHONE CALLS TO: (name and telephone number)

JAMES D. WELCH

402-391-4448

| L   |                          |                     |                          |                          |
|-----|--------------------------|---------------------|--------------------------|--------------------------|
| 201 | FULL NAME                | FAMILY NAME         | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
|     | OF INVENTOR              | TIWALD              | THOMAS                   | E.                       |
|     | RESIDENCE &              | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | CITIZENSHIP              | LINCOLN             | NEBRASKA                 | U.S.A.                   |
|     |                          | POST OFFICE ADDRESS | CITY                     | STATE & ZIP CODE/COUNTRY |
|     | ADDRESS                  | 5725 GLADE CIRCLE   | LINCOLN                  | NE 68506                 |
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| 202 | RESIDENCE & CITIZENSHIP  | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE              | POST OFFICE ADDRESS | CITY                     | STATE & ZIP CODE/COUNTRY |
|     | ADDRESS                  |                     |                          |                          |
|     | FULL NAME                | FAMILY NAME         | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
| l   |                          | CITY                | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
| 203 | RESIDENCE &              |                     | STATE OR FOREIGN COOKING | COUNTY! OF CITIZENS!!!   |
|     | POST OFFICE<br>ADDRESS   | POST OFFICE ADDRESS | CITY                     | STATE & ZIP CODE/COUNTRY |
| -   |                          | FAMILY NAME         | FIRST GIVEN NAME         | SECOND GIVEN NAME        |
| 204 | FULL NAME<br>OF INVENTOR | 1                   | FINST GIVEN NAME         | SECOND GIVEN NAME        |
|     | RESIDENCE &              | CITY                | STATE ON FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP   |
|     | POST OFFICE<br>ADDRESS   | POST OFFICE ADDRESS | CITY                     | STATE & ZIP CODE/COUNTRY |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation—in—part application.

I have reviewed and understood the content of the application, including the Claims as amended and specifically referred to below.

| I Mayor I Tape  |      |      |
|-----------------|------|------|
| 6-25-01<br>DATE | DATE | DATE |
|                 |      |      |

PTO Form 3.18(a) (page 2)

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## STATUS AS A SMALL ENTITY

The undersigned, THOMAS E. TIWALD, avers that he is the inventor of the invention titled:

## METHOD FOR EVALUATING COMPLEX REFRACTIVE INDICIES UTILIZING IR RANGE ELLIPSOMETRY

and that he is an independent inventor in accordance with Section 1.9(c) of 37 C.F.R., and that he qualifies as a Small Entity as defined in Section 1.9(f) of 37 C.F.R.

THOMAS E. TIWALD

DATE